

INDEX

- Abortion, 60-61, 67
Adler, Matthew, 12
ADLER, MATTHEW D., State Sovereignty and the Anti-Commandeering Cases, 158-72
Age Discrimination in Employment Act (ADEA), 150-51
Aid to Families with Dependent Children (AFDC), 48, 49
Alden v. Maine, 9, 20, 21, 83-86, 146
Althouse, Ann, 12
ALTHOUSE, ANN, Inside the Federalism Cases: Concern About the Federal Courts, 132-44
Americans with Disabilities Act (ADA), 100-101
Anti-commandeering doctrine, 9, 12, 57, 60, 84, 90, 123-24, 146-48, 158-72, 174
Anti-Terrorism and Effective Death Penalty Act (AEDPA), 186-87, 189, 192
- Baker, Lynn, 12
BAKER, LYNN A., Conditional Federal Spending and States' Rights, 104-18
Brady Law, 146
Bush v. Gore, 13-16, 129
Bush v. Palm Beach County Canvassing Board, 129
- Calabresi, Steven, 10
CALABRESI, STEVEN G., Federalism and the Rehnquist Court: A Normative Defense, 24-36
Caminker, Evan, 11
CAMINKER, EVAN H., Judicial Solicitude for State Dignity, 81-92
Child Online Protection Act, 78
Choper, Jesse, 30-31, 94, 133
City of Boerne v. Flores, 10, 18, 28-29, 33, 128, 139-40, 146-47, 149-54
Civil rights, 18, 22, 29, 68-69, 74, 120, 125-27, 193
Civil Rights Act of 1964, 16, 45, 134
CONDITIONAL FEDERAL SPENDING AND STATES' RIGHTS, Lynn A. Baker, 104-18
Congress, relationship with U.S. Supreme Court, 145-57
Constitution, U.S.
 citizenship clause, 75, 85
 commerce clause, 9-10, 16-18, 26, 32-33, 47, 55, 57, 59, 76, 127, 133-38, 146, 147, 152, 154, 161-65
due process clause, 75, 76
Eleventh Amendment, 9, 20, 148, 150
equal protection clause, 13-14, 16, 74-75, 85
establishment clause, 85
Fourteenth Amendment, Section 5, 10, 16, 18-19, 26, 29, 32-33, 127-28, 139-40, 146, 149, 154
privileges and immunities clause, 74-75, 76, 85
spending clause, 104-18, 127
supremacy clause, 68, 160
Tenth Amendment, 123-24, 161
Criminal law, federalization of, 28, 29, 47-48, 136, 142, 186
- Death penalty, 185-94
DID THE OKLAHOMA CITY BOMBERS SUCCEED? Jordan Steiker, 185-94
Drug-Induced Rape Prevention and Punishment Act, 47
- ELUSIVE SAFEGUARDS OF FEDERALISM, THE, Marci A. Hamilton, 93-103
Exit and sanctuary, 72-77
- Federal courts, protection of, 132-44
Federalism, 9-23, 24-36, 37-51, 52-65, 66-80, 81-92, 93-103, 104-18, 119-31, 132-44, 145-57, 158-72, 173-84, 185-94
decentralization, 27-28, 39-41, 47, 49, 60-61, 64, 122
liberty, individual, variance in, 69-73
racism, 45, 123, 126
FEDERALISM AND FREEDOM, Seth F. Kreimer, 66-80
FEDERALISM AND THE COURT: CONGRESS AS THE AUDIENCE? Vicki C. Jackson, 145-57
FEDERALISM AND THE REHNQUIST COURT: A NORMATIVE DEFENSE, Steven G. Calabresi, 24-36
Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank, 150-53
- Garcia v. San Antonio Metropolitan Transit Authority*, 30, 94, 133-35, 162-63, 165, 167
Germany, Federal Republic of
 federalism, 173-84
Grundgesetz (Basic Law), 33, 175-82
Land revenue, 177

INDEX

- Abortion, 60-61, 67
Adler, Matthew, 12
ADLER, MATTHEW D., State Sovereignty and the Anti-Commandeering Cases, 158-72
Age Discrimination in Employment Act (ADEA), 150-51
Aid to Families with Dependent Children (AFDC), 48, 49
Alden v. Maine, 9, 20, 21, 83-86, 146
Althouse, Ann, 12
ALTHOUSE, ANN, Inside the Federalism Cases: Concern About the Federal Courts, 132-44
Americans with Disabilities Act (ADA), 100-101
Anti-commandeering doctrine, 9, 12, 57, 60, 84, 90, 123-24, 146-48, 158-72, 174
Anti-Terrorism and Effective Death Penalty Act (AEDPA), 186-87, 189, 192
- Baker, Lynn, 12
BAKER, LYNN A., Conditional Federal Spending and States' Rights, 104-18
Brady Law, 146
Bush v. Gore, 13-16, 129
Bush v. Palm Beach County Canvassing Board, 129
- Calabresi, Steven, 10
CALABRESI, STEVEN G., Federalism and the Rehnquist Court: A Normative Defense, 24-36
Caminker, Evan, 11
CAMINKER, EVAN H., Judicial Solicitude for State Dignity, 81-92
Child Online Protection Act, 78
Choper, Jesse, 30-31, 94, 133
City of Boerne v. Flores, 10, 18, 28-29, 33, 128, 139-40, 146-47, 149-54
Civil rights, 18, 22, 29, 68-69, 74, 120, 125-27, 193
Civil Rights Act of 1964, 16, 45, 134
CONDITIONAL FEDERAL SPENDING AND STATES' RIGHTS, Lynn A. Baker, 104-18
Congress, relationship with U.S. Supreme Court, 145-57
Constitution, U.S.
 citizenship clause, 75, 85
 commerce clause, 9-10, 16-18, 26, 32-33, 47, 55, 57, 59, 76, 127, 133-38, 146, 147, 152, 154, 161-65
due process clause, 75, 76
Eleventh Amendment, 9, 20, 148, 150
equal protection clause, 13-14, 16, 74-75, 85
establishment clause, 85
Fourteenth Amendment, Section 5, 10, 16, 18-19, 26, 29, 32-33, 127-28, 139-40, 146, 149, 154
privileges and immunities clause, 74-75, 76, 85
spending clause, 104-18, 127
supremacy clause, 68, 160
Tenth Amendment, 123-24, 161
Criminal law, federalization of, 28, 29, 47-48, 136, 142, 186
- Death penalty, 185-94
DID THE OKLAHOMA CITY BOMBERS SUCCEED? Jordan Steiker, 185-94
Drug-Induced Rape Prevention and Punishment Act, 47
- ELUSIVE SAFEGUARDS OF FEDERALISM, THE, Marci A. Hamilton, 93-103
Exit and sanctuary, 72-77
- Federal courts, protection of, 132-44
Federalism, 9-23, 24-36, 37-51, 52-65, 66-80, 81-92, 93-103, 104-18, 119-31, 132-44, 145-57, 158-72, 173-84, 185-94
decentralization, 27-28, 39-41, 47, 49, 60-61, 64, 122
liberty, individual, variance in, 69-73
racism, 45, 123, 126
FEDERALISM AND FREEDOM, Seth F. Kreimer, 66-80
FEDERALISM AND THE COURT: CONGRESS AS THE AUDIENCE? Vicki C. Jackson, 145-57
FEDERALISM AND THE REHNQUIST COURT: A NORMATIVE DEFENSE, Steven G. Calabresi, 24-36
Florida Prepaid Postsecondary Ed. Expense Bd. v. College Savings Bank, 150-53
- Garcia v. San Antonio Metropolitan Transit Authority*, 30, 94, 133-35, 162-63, 165, 167
Germany, Federal Republic of
 federalism, 173-84
Grundgesetz (Basic Law), 33, 175-82
Land revenue, 177

- GOODMAN, FRANK, Preface, 9-23
Gun-Free School Zones Act, 28, 59, 127, 135, 136, 138-39
- Habeas corpus, 135, 185-94
Halberstam, Daniel, 12-13
HALBERSTAM, DANIEL and RODERICK M. HILLS, JR., State Autonomy in Germany and the United States, 173-84
Hamilton, Marci, 11-12
HAMILTON, MARCI A., The Elusive Safeguards of Federalism, 93-103
Hans v. Louisiana, 20-21, 148
Hills, Roderick, Jr., 12-13
HILLS, RODERICK M., see HALBERSTAM, DANIEL, coauthor
- INSIDE THE FEDERALISM CASES: CONCERN ABOUT THE FEDERAL COURTS, Ann Althouse, 132-44
Internet, and federalism, 77-78
- Jackson, Vicki, 12
JACKSON, VICKI C., Federalism and the Court: Congress as the Audience? 145-57
JUDICIAL POWER AND THE RESTORATION OF FEDERALISM, Robert F. Nagel, 52-65
JUDICIAL SOLICITUDE FOR STATE DIGNITY, Evan H. Caminker, 81-92
- Katzenbach v. McClung*, 16
Katzenbach v. Morgan, 16
Kimel v. Florida Board of Regents, 150-51
Kramer, Larry, 94, 97-100
Kreimer, Seth, 11
KREIMER, SETH F., Federalism and Freedom, 66-80
- Liberty, of individuals, 66-80
 variance in, 69-73, 106, 108-11, 114-15
Lopez v. United States, 127, 135, 137-38, 150
- Megan's Law, 47
Migration, interstate, 72-77
- Nagel, Robert, 11
NAGEL, ROBERT F., Judicial Power and the Restoration of Federalism, 52-65
New Deal, 120-21
New York v. United States, 58-59, 123-24, 146, 147, 150, 163-68, 170, 174
- Personal Responsibility and Work Opportunity Act, 48, 75
- Political parties, and states' rights, 98, 101
Printz v. United States, 146, 148, 163-68, 70, 174
- PUPPY FEDERALISM AND THE BLESSINGS OF AMERICA, Edward L. Rubin, 37-51
- Racism, and federalism, 45, 123, 126
Rehnquist, William H., 121
Religious Freedom Restoration Act (RFRA), 28, 29, 99-100, 128, 139-40, 149-50
Religious Land Use and Institutionalized Persons Act (RLUIPA), 100
Roe v. Wade, 35, 53, 63
Rubin, Edward, 10, 33
RUBIN, EDWARD L., Puppy Federalism and the Blessings of America, 37-51
- Saenz v. Roe*, 75, 85
Schwartz, Herman, 12
SCHWARTZ, HERMAN, The Supreme Court's Federalism: Fig Leaf for Conservatives, 119-31
Seminole Tribe of Florida v. Florida, 9, 20, 21, 146, 148
South Dakota v. Dole, 105-6, 111-16
Sovereign immunity of states, 20-22, 57, 81-92, 135, 146, 148
- STATE AUTONOMY IN GERMANY AND THE UNITED STATES, Daniel Halberstam and Roderick M. Hills, Jr., 173-84
- STATE SOVEREIGNTY AND THE ANTI-COMMANDEERING CASES, Matthew D. Adler, 158-72
- States
 competition between states, 108-11, 114-15
 courts, state, 135, 187, 190-92
 exit and sanctuary, 72-77
 liberty of individuals, variance in, 69-73, 106, 108-11, 114-15
 migration, interstate, 72-77
 politicians, state, and federalism, 98-99, 167-88
 prisoners, state, 186, 188, 190-92
 revenue, 104-18, 127, 176, 177
 sovereign immunity, 20-22, 57, 81-92, 135, 146, 148
 supreme courts, 63
 travel, interstate, 73-77
- Steiker, Jordan, 13
STEIKER, JORDAN, Did the Oklahoma City Bombers Succeed? 185-94
Supreme Court, U.S., and federalism, 9-23, 24-36, 52-65, 81-92, 93-103, 119-31, 132-44, 145-57, 158-72

- SUPREME COURT'S FEDERALISM: FIG
LEAF FOR CONSERVATIVES, THE,
Herman Schwartz, 119-31
- Travel, interstate, 73-77
- United States v. Lopez*, 9-10, 12, 16, 28, 33-35,
47, 146-47, 151, 152
- United States v. Morrison*, 10, 12, 16-20, 28-29,
33, 47, 69, 135, 147, 150, 152, 154
- United States v. Printz*, 47
- Violence Against Women Act (VAWA), 10, 18,
19, 22, 28, 29, 59, 124-25, 127-29, 135,
136, 140-42, 147
- Voting Rights Act, 16
- Wechsler, Herbert, 30-31, 58, 94, 107, 133

